

REMARKS

The Office Action of July 5, 2002 was received and carefully reviewed. Claims 20-39 were pending prior to this submission. By this Amendment, claims 20-39 are canceled, and new claims 42-72 are added. Therefore, claims 42-72 are now pending. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The Office Action rejects claims 20-27 under 35 U.S.C. §112, first and second paragraphs, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention and further as not being supported by the written description, i.e., as originally filed. In response to those rejections, 20-27 are canceled, thus rendering this rejection moot. New claims 42-72 are provided in which the “inlet” is defined as “at least one inlet having an opening elongated in a first direction.” New claims 42-72 also more clearly define the cross section of the plasma at the “at least one inlet” as having a cross section that “has a length along the first direction and a width along a second direction perpendicular to the first direction and parallel to the electrodes where the length is longer than the width.” These claimed features are clearly illustrated in at least Figure 5 and Examples 3-5 in the specification. In light of these clarifying amendments, it is respectfully asserted that the §112 rejections are no longer appropriate and should be withdrawn.

The Office Action rejects claims 20-39 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-25 of U.S. Patent No. 6,001,431. Claims 20-39 are canceled herein, thus rendering this rejection moot.

Applicants have filed, on even date herewith, however, a proper Terminal Disclaimer disclaiming the terminal portion of the term of any patent issuing from the above application which would extend beyond the expiration of the patent term of U.S.



Patent No. 6,001,431. The filing a proper Terminal Disclaimer removes the '431 patent as a reference, and renders any possible future obviousness-type double patent rejection moot.

Furthermore, the Office Action rejects claims 20-34, 36 and 38 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-2, 4-5, 7-9 and 11-15 of U.S. Patent No. 6,001,432 ('432). This rejection is also rendered moot in view of the cancellation of claims 20-34, 36 and 38.

Applicants also traverse a possible future rejection of new claims 42-72 since the process of claims 42-72 relate to an etching process (claims 42-45) and an "ashing" process (claims 46-72), each of which are the opposite of the deposition process or film forming process of claims 1-2, 4-5, 7-9 and 11-15 of the '432 patent. Consequently, the obviousness-double patenting rejection over the claims 1-2, 4-5, 7-9 and 11-15 of the '432 patent would not apply to the instant claims 42-72.

The Office Action also rejects claims 20-27 under the judicially created doctrine of obviousness-type double patenting in view of claims 1, 3-4, 7, 10, 13 and 17 of U.S. Patent No. 5,766,696 ('696) or claims 1-2, 7-9, 10-12, 16-17, 20-24 and 27-68 of U.S. Patent No. 6,183,816 ('816) in view of Jansen et al. The cancellation of claims 20-27 renders this rejection moot. Moreover, new claims 42-72 should be distinguishable over the claims of the '696 and '816 patents for the reasons advanced above with respect to the '432 patent, since those claims also relate to a film formation process, rather than etching and ashing.

The Examiner also rejects:

Claims 25-27, under 35 U.S.C. §103 (a), as unpatentable over Jansen et al, and

Claims 23-24, under 35 U.S.C. §103 (a), as unpatentable over Jansen et al in view of David et al "Plasma Deposition and Etching..." and in further view of Yanagihara et al and Takahashi et al. and



Claims 20-27, under 35 U.S.C. 112, first paragraph.

These rejections are rendered moot in view of the cancellation of claims 20-27.

It is believed that the present application is now in condition for allowance. However, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Lastly, it is noted that a separate Extension of Time Petition (two months) accompanies this response along with a check in payment of the requisite extension of time fee. However, should that petition become separated from this Amendment, then this Amendment should be construed as containing such a petition. Likewise, any overage or shortage in the required payment should be applied to Deposit Account No. 19-2380 (740756-2045).

Respectfully submitted,

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